

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
August 13, 2002

- STUDY SESSION

Meeting was called to order at 6:32 p.m.

Mayor Griffith's mother passed away recently and he thanked the Council and staff for the beautiful flowers and kind words extended to him and his family.

- > UPDATE ON THE URBAN SERVICES AGREEMENT

Community Development Director Hendryx reviewed this item with the City Council. The renewal of the Urban Services Agreement will be before the Council for approval on August 27, 2002. A memo to the City Council from Mr. Hendryx is on file in the City Recorder's office outlining the issues to be considered and noting that the agreement has been a benefit to the City.

Also coming together for Council review are the results of the Bull Mountain Survey on annexation and the policy decision to be made on non-island annexations. In response to a question from Councilor Scheckla, Mr. Hendryx confirmed that the policy on whether the County will collect parks system development charges in the urban services area is still outstanding. City Manager Monahan noted that staff has made arrangements to meet with County officials on August 20 to discuss the SDC collection policy as well as other matters. Councilor Scheckla requested updated information on the number of homes built last year and the dollars that were lost because this SDC collection was not done.

The Urban Services Agreement is currently in place under an extension to the agreement term that will expire on September 9, 2002. Mr. Hendryx advised if there are still issues that are outstanding, the Agreement could be extended for another 120 days.

City Manager Monahan noted the need (citing the recent information obtained from the Bull Mountain annexation survey) for the County to inform residents about their position on annexation of urban developed areas.

Mr. Hendryx advised that if the City proceeds with the annexation plan and the Bull Mountain annexation question is approved at the November 2003 election, then this area would be on the City's tax rolls July 1, 2004. In the event the voters are asked to consider annexation and then approve annexation, the County has agreed to collect SDC's between November 2003 and July 2004.

Mr. Hendryx noted that if the Council approves the Urban Services Agreement, that the City is not locked in for five years; there can be reasons to reevaluate and renegotiate the Agreement.

Mayor Griffith and Councilor Dirksen questioned Section II.A.17. of the draft agreement regarding street maintenance citing the decision to discontinue the street maintenance component of the agreement. Mr. Hendryx will make sure the language is reviewed to make sure the intent of this section is clear.

> **DISCUSSION ON STREET MAINTENANCE FEE CALCULATION ADJUSTMENTS**

City Engineer Duenas reviewed this item with the Council. The street maintenance fee ordinance and resolution are scheduled to come before the Council on August 27, 2002, for final consideration. A packet of information, which is on file with the City Recorder, was distributed to the City Council for review. Mr. Duenas reviewed this information which included letters received regarding opposition and concerns about the fee as well as the proposed adjustments to the fee rates.

After Council discussion, it was determined this item would be removed from August 27, 2002, City Council meeting. Further discussion on this matter will be held either on September 10, 2002 (Council Study Session), or September 17, 2002 (Council Workshop Meeting) depending on the City Attorney's availability. The issues to be discussed include the legal question raised as to whether the "fee" should be considered a "tax." Also to be discussed is clarification on whether the street maintenance funds collected would be used for right-of-way and road maintenance or just road maintenance.

City Manager Monahan noted the need to get the word out to the public about the structure of the street maintenance fee rates for commercial and residents.

There was discussion about the possibility of Washington County adopting enabling legislation (county-wide) that would set the framework for each City to adopt a street maintenance fee. It was clarified that this would not mean that two fees (County and City) would be collected.

> **ADMINISTRATIVE ITEMS**

- Request for waiver of potential conflict of interest. City Manager Monahan received a request from attorney Edward J. Sullivan for a waiver of conflict in order to assist Leon LeFebvre with a land use matter regarding an outbuilding at his home at 15130 SW 150th on Bull Mountain.

Consensus of Council was to grant the waiver with the usual condition that the waiver does not extend to Mr. Sullivan's representation in any action beyond the local level at LUBA, the Circuit Court, or with any other appellate proceedings.

- Council discussed whether a representative from Tigard should attend the upcoming Rail-Volution Conference in Washington D.C. Consensus was that as long as someone from the "west side" was attending the conference, there did not appear to be a need for a Tigard representative at this time.
- Councilor Patton distributed to the City Council her letter of resignation as Tigard City Councilor effective September 1, 2002. After discussion, it was the recommendation of Councilor Patton and the consensus of Council that Councilor Moore would become the Council liaison for water issues and Councilor Dirksen would serve as the Council liaison for library issues. Council noted that the liaison appointments would be revisited after the November 5, 2002, election.

> **UPDATE ON VARIOUS HUMAN RESOURCES ISSUES**

Human Resources Director Zodrow reported the status of the recruitment for the Chief of police. This will be a national recruitment and it is anticipated that a new chief could be appointed by January 2003. Chief Goodpaster will be involved in the recruitment process. City Manager Monahan advised that there is a vacant Captain's position that will not be filled until after the new Chief is appointed.

Ms. Zodrow advised that staff is reviewing the responses to the request for proposals for a labor attorney. This matter will be presented to Council for labor attorney selection at a September Council meeting.

Mr. Monahan outlined the potential of establishing a "vacation donation" program in the City. This would allow employees to donate vacation hours to individuals who were ill or had to be away from work and did not have any paid leave accruals to draw from. Council discussed the importance of employees to use at least two week of vacation a year. Mr. Monahan said that staff would prepare some options for a program and revisit the matter with Council at a future date.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:26 p.m. to discuss labor relations under ORS 192.660(1)(d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Executive Session adjourned 7:36 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council at Local Contract Review Board meeting to order at 7:45 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA (No visitors testified.)

3. PROCLAMATION

- Mayor Griffith proclaimed September 2002 as National Alcohol and Drug Addiction Recovery Month.

4. CONSENT AGENDA:

Councilor Dirksen advised he would like to consider the minutes separately since he did not attend the July Council meetings. He indicated he would abstain from voting.

Councilor Scheckla requested Consent Agenda 4.5e. be pulled from the Consent Agenda for clarification.

Motion by Councilor Patton, seconded by Councilor Scheckla, to approve the Consent Agenda except for items 4.1 and 4.5e., which would be considered separately.

- 4.1 Approve Council Minutes for June 25 and July 9, 16, 23, 2002 (Considered separately, see below.)
- 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 4.3 Approve Budget Amendment #1 to the Fiscal Year 2002-03 Budget to Transfer \$10,000 from Parks Capital Fund Capital Improvements to the Public Works Program for Completion of a Street Inventory – Resolution No. 02 - 48
- 4.4 Appoint Sharon Rollins to the Tree Board and Tricia Bull as Alternate to the Tree Board – Resolution No. 02 - 49
- 4.5 Local Contract Review Board:
 - a. Reject Bid Proposals for the Construction of Gaarde Street, Sanitary Sewer Reimbursement District No. 24, and 121st Avenue, Sanitary Sewer Reimbursement District No. 26
 - b. Award Contract for Construction of Carmen Street, Sanitary Sewer Reimbursement District No. 25, to Dunn Construction, Inc.
 - c. Award Contract for the Construction of the Fiscal Year 2002-2003 Pavement Major Maintenance Program to Pro-Teck Construction, Inc.
 - d. Approve Change Order #4 for Cook Park Master Plan Expansion Phase II
 - e. Approve Contract Modification for Architectural/Engineering Design Services with CES/NW for the Cook Park Master Plan Expansion Project (Considered separately, see below.)
 - f. Approve Two-Year Electrical Services Contract Utilizing the Washington County Contract

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

Motion by Councilor Patton, seconded by Councilor Scheckla to adopt Consent Agenda Item 4.1. The motion was approved by a 4-0-1 vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Abstained
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

In response to a question from Councilor Scheckla (relating to Agenda Item 4.5e.), Public Works Director Wegner reported on the status of the Cook Park Master Plan Expansion. The project is about 65 percent complete and is expected to be finished on schedule in September. In response to Councilor Scheckla's request that dumpsters be moved, Mr. Wegner explained why they were placed in their current location. Mayor Griffith commented that the Park "looks great." City Manager Monahan said plans are underway for a ceremony (next spring) dedicating the Nicoli Athletic Fields in recognition of brothers Jim and Dave Nicoli for their efforts on behalf of the community's youth.

Motion by Councilor Dirksen, seconded by Councilor Patton, to approved Consent Agenda Item 4.5e. The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. UPDATE ON THE TIGARD FESTIVAL OF BALLOONS

Event organizer Bruce Ellis reported that the 2002 Tigard Festival of Balloons was successful. While attendance was down this year from last year, it was a good turnout and the non-profit organizations did well with fundraising activities. He commented that parking also went smoothly despite a number of changes and that a parking shuttle should be seriously considered for next year. This was the last year for television KGW Channel 8 as a sponsor; however, two other television stations have shown interest.

Mr. Ellis said plans are underway for next year's event.

6. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

Senator Ginny Burdick and Representative Williams discussed current legislative issues with the City Council. The Legislature will convene into a fourth special session on Friday, August 16, 2002, to determine whether to override the veto by Governor Kitzhaber placed on two elements of a bipartisan budget package. Representative Williams advised he plans to vote to override the vetoes while Senator Burdick will vote not to override.

Issues discussed included:

- school funding problems and the fact that a budget is not in place with the school year starting in a few weeks
- state economy and the problems experienced in the high tech industry
- land use rules and impacts on development
- local control of school funding lost with Ballot Measure 5 (“equalization”); resulting in downgrades to districts that have historically supported school funding (which has happened to the Tigard-Tualatin School District)
- strong economy of the 90’s had shielded the full impact of Ballot Measure 5; now the effects are more evident
- the mandate to fund education must be met
- requested legislators to keep in mind local self-determination (local governments) along with no unfunded mandates by the legislators on local government

7. UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS)

Library Director Barnes and WCCLS Manager Eva Calcagno reviewed this agenda item with the City Council. Public libraries in Washington County are experiencing significant increases in use. In May 2002 Eva Calcagno, Manager of WCCLS, outlined to the Washington County Board of Commissioners the projected funding needs for public library services in Washington County over the next five years. Based on that analysis, the Commissioners authorized the placement of a five-year levy for library operations on the November 5, 2002, ballot. The fixed-rate levy would provide approximately 70 percent of operating funds for public libraries throughout Washington County. Ms. Calcagno’s presentation was summarized on PowerPoint slides; a copy of the PowerPoint presentation is on file in the City Recorder’s office.

8. PUBLIC HEARING TO CONSIDER A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR ACCESS TO THE MENLOR RESERVOIR

- a. Mayor Griffith opened the public hearing.
- b. Assistant Public Works Director Koellermeier presented the agenda item with the staff report reviewed by Property Manager Roy.
- c. Public testimony:
 - Mr. Barry Cook, 15350 SW Fir Tree, Tigard, Oregon, testified as a proponent. Mr. Cook noted his interest in purchasing the property and mentioned the possibility of developing the property as a park. Council members advised Mr. Cook to talk to staff to determine the potential uses of the property since Mr. Cook indicated he had some questions about how the property could be developed.
- d. Staff recommendation was to authorize the sale of the subject parcel of land as proposed in the resolution before the City Council. It was noted that the amount in Section 5 (a) of the resolution should be \$285,000. Also, Section 5 (b) contains a typographical error in that "amont" should be changed to "amount."
- e. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-50 as amended to include the minimum purchase price of \$285,000 and to correct a typographical error (as noted above).

RESOLUTION NO. 02-50 – A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR ACCESS TO THE MENLOR RESERVOIR.

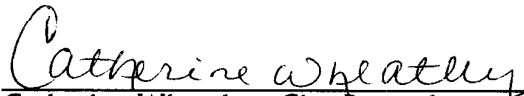
The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

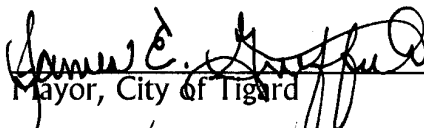
> STUDY SESSION CONTINUED

Council reconvened into a Study Session in the Red Rock Creek Conference Room to hear an update from staff about the search for a new library architect. Five firms were interviewed. The interview panel has selected two firms as finalists. Staff will now work to select a finalist and then make a recommendation for Council consideration at the August 27, 2002, City Council meeting.

9. COUNCIL LIAISON REPORTS: None
10. NON AGENDA ITEMS: None
11. EXECUTIVE SESSION: Not held
12. ADJOURNMENT: 9:32 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard
Date: August 27, 2002

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